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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,826	09/17/2003	Kay Ellen Mitchell	2413/SPRI.106167	5428
32423 7590 09/21/2007 SPRINT COMMUNICATIONS COMPANY L.P. 6391 SPRINT PARKWAY KSOPHT0101-Z2100 OVERLAND PARK, KS 66251-2100			EXAMINER TANG, KENNETH	
			ART UNIT 2195	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/664,826

Applicant(s)

MITCHELL ET AL.

Examiner

Kenneth Tang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-23 are presented for examination.

#### *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. **Claims 8-13 and 19-22 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter.**

3. Claims 8-13 are directed to one or more computer-readable media that may include a carrier wave (see Specification, [0029] and [0027]), and therefore, the claims do not fall within any of the four categories of patentable subject matter set forth in § 101. A claim that recites a signal encoded with functional descriptive material does not fall within any of the categories of patentable subject matter set forth in § 101. First, a claimed signal is clearly not a "process" under § 101 because it is not a series of steps. The other three § 101 classes of machine, compositions of matter and manufactures "relate to structural entities and can be grouped as 'product' claims in order to contrast them with process claims." 1 D. Chisum, Patents § 1.02 (1994). The three product classes have traditionally required physical structure or material.

4. Claims 19-22 are directed to a software system and would not be classified as a machine (nor process, product, article of manufacture). Therefore, the claims do not fall within any of the four categories of patentable subject matter set forth in § 101. The first user-interface component and the second user-interface component are software components that would not be classified as a machine. In addition, the transaction-processing system (lines 5-7 of the claim) does not

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represent a hardware system as described in the claims or in the Specification (see Specification, [0017] and [0010]).

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 8-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. In claim 8, in the last line, "said one or more receiving components", there is insufficient antecedent basis for this limitation in the claim. Claims 9-13 are rejected based on their dependency to claim 8.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Conway (US 2003/0236777 A1).**

8. As to claim 1, Conway teaches in a communications-networking environment, a method for automatically presenting the progress of a transaction (monitoring transaction with real-time feedback) (see Abstract and Figs. 5 & 6), comprising:

receiving a transaction that requires completing one or more substeps (transaction may be sent to and received from the transacting agent regarding the status and results of a transaction request; the transaction process consists of one or more instructions, which are substeps of the transaction process) ([0037], [0028]); and

without user interaction (Such a transaction between an end-user and host occurs in real-time without the need for manual intervention) ([0007]), communicating to one or more display devices one or more indications (status) respectively related to said one or more substeps as said one or more substeps are performed (instant messages regarding the status and results of a transaction are sent) ([0037]).

9. As to claim 2, Conway teaches wherein said transaction includes one or more of the following:

modifying call-routing instructions associated with a telecommunications network;

implementing a database update (Database 130 is updated) ([0036], [0028], [0031]); and

implementing a LERG (Local Exchange Routing Guide) update;

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10. As to claim 3, Conway teaches wherein receiving a transaction includes suspending user control until said transaction is received (user control is withheld until there is need for manual/user/external intervention) ([0007], [0012]) but prior to when said transaction is completed (manual/external intervention from the user is prompted and returned back to the user only when the request is not finalized or not successful) ([0012], [0037]).

11. As to claim 4, Conway teaches wherein communicating said one or more indications include communicating the indications to a device other than the device from which the transaction request was submitted (communicated to the Message Center 170 and not just the requesting agent) ([0037]).

12. As to claim 5, Conway teaches wherein communicating said one or more indications include communicating indications corresponding to disparate transactions to one or more display devices (instant messages regarding the status and results of a transaction may be sent to the transacting agent or a wireless communication method may be used to update the transacting agent regarding the status and results of a transaction request) ([0037]).

13. As to claim 6, Conway teaches wherein said indications respectively related to said one or more substeps correspond to one or more of the following events:

when a transaction is submitted ([0009], [0012], [0024]);

when a transaction is received ([0029]);

when a transaction is validated;

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when a transaction is accepted;

when a transaction is reformatted (reformatted by the CRM system controller 160)

([0048]);

when a transaction is sent to one or more network devices (see Abstract, [0003], [0006]);

and/or

when one or more messages from said one or more network devices are received ([0007], [0032]).

14. As to claim 7, Conway teaches wherein said indications include a description of said respective event (real-time reports as to a transaction status or real-time feedback) (see Abstract, [0022]).

15. As to claim 8, Conway teaches one or more computer-readable media having computer-useable instructions embodied (A Storage Device 212 is used to store data and programs within Computer System 200) ([0023]) thereon for automatically providing real-time transaction-progression status updates (monitoring transaction with real-time feedback) (see Abstract and Figs. 5 & 6), said method comprising:

receiving a transaction, wherein the execution of the transaction involves performing one or more subprocesses (transaction may be sent to and received from the transacting agent regarding the status and results of a transaction request; the transaction process consists of one or more instructions, which are substeps of the transaction process) ([0037], [0028]);

generating a plurality of status indicators as said one or more subprocesses progress (instant messages regarding the status and results of a transaction are sent) ([0037]); and dynamically communicating one or more of said plurality of status indicators to a broadcasting device, whereby said plurality of status indicators can be sent to said one or more receiving components (real-time feedback - instant messages regarding the status and results of a transaction are sent and can be read through a web portal on a single or plurality of data terminals) ([0037], [0039], [0007], Abstract).

16. As to claim 9, Conway teaches wherein receiving a transaction includes receiving one or more of the following:

- a database-update request (Database 130 is updated based on submitted host requests) ([0036], [0028], [0031]);
- a table-modification request;
- a LERG (Local Exchange Routing Guide) update; and
- a network-device-configuration change.

17. As to claim 10, Conway teaches wherein generating a plurality of status indicators include generating an indication of one or more of the following events:

- when a transaction is submitted ([0009], [0012], [0024]);
- when a transaction is received ([0029]);
- when a transaction is validated;
- when a transaction is accepted;

when a transaction is reformatted (reformatted by the CRM system controller 160) ([0048]);

when a transaction is sent to one or more network devices (see Abstract, [0003], [0006]);  
and/or

when one or more messages from said one or more network devices are received ([0007], [0032]).

18. As to claim 11, Conway teaches wherein said plurality of status indicators include a description of said respective event (real-time reports as to a transaction status or real-time feedback) (see Abstract, [0022]).

19. As to claim 12, Conway teaches wherein dynamically communicating one or more of said plurality of status indicators are accomplished without user intervention (real-time feedback - Such a transaction between an end-user and host occurs in real-time without the need for manual intervention) ([0007], Abstract).

20. As to claim 13, Conway teaches wherein dynamically communicating one or more of said plurality of status indicators include sending indicator(s) associated with unique transactions simultaneously (real-time feedback - instant messages regarding the status and results of a transaction may be sent to the transacting agent or a wireless communication method may be used to update the transacting agent regarding the status and results of a transaction request; transaction processing requests can be made concurrently) ([0037], [0008], see Abstract).

21. As to claim 14, Conway teaches in a communications networking environment, a system for monitoring transaction progression in real time (See Abstract), the system comprising:

a request-receiving component that receives an incoming transaction (Host 150) ([0029]);

a status-monitoring component (Message Center 170 or Transaction Manager 140) - coupled to said request-receiving component (Host 150) - that monitors the progression of said transaction and provides feedback related to the status of the transaction's progression toward completion (real-time feedback: transaction may be sent to and received from the transacting agent regarding the status and results of a transaction request.) ([0030], [0037], [0045], [0007], [0028]); and

a status-transmission component (Web session 110/Web portal) for receiving said feedback and communicating said feedback to one or more receiving devices (Computer system(s) 200) ([0007], Fig. 1, 110, 200, 170, 150, etc.).

22. As to claim 15, Conway teaches wherein said incoming transaction includes one or more of the following:

a call-routing modification associated with a telecommunications network;

a database update (Database 130 is updated) ([0036], [0028], [0031]);

a LERG (Local Exchange Routing Guide) update;

a table-modification request; and a network-device-configuration change.

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23. As to claim 16, Conway teaches wherein said request-receiving component retains processing control while receiving said incoming transaction (user control is withheld until there is need for manual/user/external intervention) ([0007], [0012]) but releases processing control prior to final execution of said transaction (manual/external intervention from the user is prompted and returned back to the user only when the request is not finalized or not successful) ([0012], [0037]).

24. As to claim 17, Conway teaches wherein the status-monitoring component identifies a plurality of events that are accomplished as said transaction progresses toward final execution (transaction record is monitored until a finalized transaction status is detected) (see Abstract, [0034], [0045]).

25. As to claim 18, Conway teaches wherein the plurality of events include one or more of:

submitting a transaction to process ([0009], [0012], [0024]);

receiving a transaction ([0029]);

validating a transaction;

accepting a transaction;

sending a transaction to one or more network devices (see Abstract, [0003], [0006]); and

receiving one or more responses from said network devices ([0007], [0032]).

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26. As to claim 19, Conway teaches a system for asynchronously monitoring network transactions in real time (asynchronous transaction management with real-time feedback of transaction status) ([0022]), the system comprising:

a first user-interface component for submitting one or more transaction requests (information can be entered from a web page/web portal) ([0007], [0024]);

a transaction-processing system for receiving said one or more transaction requests, monitoring the transaction request(s) progression toward completion, and providing updates related to said progression (transaction may be sent to and received from the transacting agent regarding the status and results of a transaction request; the transaction process consists of one or more instructions, which are substeps of the transaction process) ([0037], [0028]); and

a second user-interface component - which can be said first interface component - for receiving said one or more updates and simultaneously presenting said updates, which can be related to distinct transactions (real-time feedback: Internet web page/web portal from either a single or plurality of various computers/data terminals) ([0007], [0024], [0037], Abstract).

27. As to claim 20, Conway teaches wherein the transaction-processing system identifies a plurality of events that are accomplished as said transaction progresses toward completion (transaction record is monitored until a finalized transaction status is detected (see Abstract, [0034], [0045])).

28. As to claim 21, Conway teaches wherein said second user-interface component presents said updates on a display device (displaying the transaction status or the processed transaction,

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such as a web page where the status/results of requested transactions are posted and updated) ([0037]).

29. As to claim 22, Conway teaches wherein said second user-interface component includes functionality to view a historical log of said updates (displays transaction status/results or processed transaction on a webpage or transaction record) ([0037], [0026]).

30. As to claim 23, Conway teaches in a networking environment, a method for performing transaction updates asynchronously (asynchronous transaction management with real-time feedback of transaction status) ([0022]) comprising:

receiving from a user a request to execute one or more transactions (user requests) ([0009]-[0010]);

withholding processing control from said user while communicating said one or more transactions to a transaction receiver (user control is withheld until there is need for manual/user/external intervention) ([0007], [0012]); and

returning processing control to said user incident to completing communication of said one or more transactions to said transaction receiver but prior to the execution of said one or more transactions (manual/external intervention from the user is prompted and returned back to the user only when the request is not finalized or not successful) ([0012], [0037]).

31. In summary, Conway teaches user requests to execute one or more transactions with real-time feedback. Transactions are monitored in real-time and automatic (without user interaction) until the user is prompted to take manual intervention (when transaction is not finalized or is

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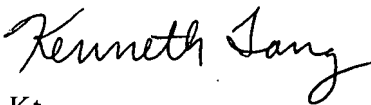
unsuccessful). At this point, processing control is returned back to the user.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Tang whose telephone number is (571) 272-3772. The examiner can normally be reached on 8:30AM - 6:00PM, Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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